

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JOSEPH EDWARD SLOAN, BRYON Z. MOLDO,
Chapter 7 Trustee - In re JOSEPH EDWARD SLOAN, Debtor,

SEP 17 2001

Plaintiffs,

R. Thompson
CLERK

vs.

No. CIV 00 702 BB/WWD (ACE)

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign corporation,
and RANDAL W. ROBERTS, ESQ.,

Defendants.

PLAINTIFFS' DAUBERT MOTION TO EXCLUDE TESTIMONY
OF DEFENDANT'S EXPERT TONY SCHRADER REGARDING
INSURANCE BAD FAITH

Plaintiffs, by and through their attorneys of record, Vigil & Vigil, P.A. (Lisa K. Vigil, Esq.) and Steve Vogel, Esq., hereby move the Court to block Tony Schrader the opponent's expert, from testifying on the following issues:

1. Whether Defendant's expert, Tony Schrader, is qualified to testify as an expert on the issue of insurance bad faith, as he does not know the standards in the industry for bad faith and could not testify at his deposition as to the standard.
2. Whether Mr. Schrader's qualifications are reliable under standards for admissibility for expert testimony.

In support of this Motion, Plaintiffs submit the attached Memorandum of Law.

Counsel for Defendant State Farm Insurance has been contacted and does not concur in

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this motion.

Respectfully submitted,

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for LISA K. VIGIL
Attorneys for Plaintiffs

-and-

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Attorneys for Plaintiffs

I hereby certify that a true and correct
copy of the foregoing pleading was forwarded
by regular mail to opposing counsel of record
this 17th day of September, 2001.

Amalia d. lucero
for Lisa K. Vigil, Esq.